

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FURNITURE BRANDS INTERNATIONAL,)
INC.,)
)
Plaintiff,)
)
)
vs.) Case No. 4:13CV00500 AGF
)
)
HARRY D. SAMUELS,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for default judgment against Defendant Harry D. Samuels. Plaintiff filed this action on March 15, 2013, claiming breach of a personal guaranty in connection with the purchase of furniture and related products from Plaintiff. Plaintiff sought the amount due and owing of \$113,657.68 plus interest, and cost of collection, including attorney's fees.

On April 17, 2013, Plaintiff filed a motion for entry of default against Defendant, and on April 18, 2013, the Clerk of Court entered such default. In its motion for default judgment, Plaintiff seeks judgment against Defendant in the amount of \$116,651.44, representing principal and accrued interest as of April 18, 2013 of \$113,937.78 and attorneys' fees and expenses incurred in connection with this action of \$2,713.66.

Prior to the entry of a default judgment, a court should satisfy itself that the plaintiff is entitled to judgment, including by reviewing the sufficiency of the complaint and the substantive merits of the plaintiff's claim. *Jenkins v. E. Asset Mgmt., LLC*, No. 4:08-CV-1032 CAS, 2009 WL 2488029, at *3 (E.D. Mo. Aug. 12, 2009). Where default has been entered, the "allegations of the complaint, except as to the amount of damages are taken as true." *Brown v. Kenron Aluminum & Glass Corp.*, 477 F.2d 526, 531 (8th Cir. 1973). Here, taking Plaintiff's allegations in the complaint as true, except for those allegations as to the amount of damages, the Court concludes that Plaintiff is entitled to default judgment for breach of contract. With respect to damages, Plaintiff has provided documentation and evidence supporting its entitlement to the amounts sought.

Upon review of the record,

IT IS HEREBY ORDERED that Plaintiffs' motion for default judgment is **GRANTED** in the amount of \$113,937.78, plus attorney's fees and expenses in the amount of \$2,713.66. (Doc. No. 7.)

An appropriate Judgment in the amount of \$116,651.44 shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 10th day of June, 2013